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SUBJECT: NIGERIA: 9TH ANNUAL TRAFFICKING IN PERSONS REPORT

Ref: STATE 132759

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¶1. (SBU) The following is Mission Nigeria's submission for the 9th Annual Trafficking in Persons (TIP) Report. Paragraphs respond to questions in reftel.

¶2. (SBU) THE COUNTRY'S TIP SITUATION:

-- A. The main sources of available information are the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), the Ministry of Labour, Nigeria Police Force (NPF), Nigeria Immigration Service (NIS), the International Organization for Migration (IOM), United Nations Office on Drugs and Crime (UNODC), UNICEF and various other NGOs. NAPTIP commissioned a central database to collect information on trafficking victims and offenders in August 2009. The database only contains limited data at this time, however, and statistics remain unreliable.

-- B. Nigeria is a source, transit, and destination country for trafficked men, women, and children. Trafficking also occurs within the country's borders in territory that remains in government

control. International trafficking destinations include, but are not limited to: ECOWAS countries, Italy, Spain, Netherlands, Germany, Turkey, Belgium, Denmark, France, Switzerland, Norway, Ireland, Greece, Russia, and Saudi Arabia. Transit countries include countries in North Africa, particularly Libya and Morocco. While Libya and Morocco are not considered destination countries, often victims will live and work in these countries for an indefinite period of time during travel. Other established land routes to Europe transit Benin, Togo, Ghana, Cote d'Ivoire, Guinea, and Mali. The absence of travel restrictions makes ECOWAS countries a destination for trafficking, but Europe offers greater profits. TIP victims sent to Europe are most often involved in the sex industry. Italy remained the prime destination for Nigerians, especially those from Benin City in Edo State. TIP victims in the UK are more often found in domestic work. In Saudi Arabia, TIP victims are found in both prostitution and forced labor. In Nigeria and the rest of Africa, TIP victims are working in prostitution, domestic labor, field work, and forced begging activities. There is a high level of internal trafficking, going from rural areas and states such as Akwa Ibom, Cross River, Imo and northern states to the urban centers of Lagos, Abuja, and Kano.

-- C. The conditions victims are trafficked into en route and upon arrival at final destination are often harsh and sometimes deadly. The overland route traveled most is through the Sahara Desert regions of Niger and Algeria. The journey is long and many die from exhaustion or dehydration. Women forced into prostitution are often imprisoned in brothels or threatened with harm against their

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families if they attempt to escape. Women and children who are trafficked, internally and internationally, for domestic labor are often forced to live in squalid conditions, beaten, starved and sometimes sexually assaulted. The almajiri children forced into begging are many times purposely scarred or injured to garner sympathy from potential "donors."

-- D. Vulnerability to TIP: Traffickers most often target the young and poor, aged 8 to 25 years in age. Women and young girls are most at risk to be trafficked internationally for prostitution or domestic labor. Young boys are most at risk to be trafficked internally for forced field work. Young Muslim boys specifically are most at risk of becoming one of the many million almajiri beggars.

-- E. Traffickers and Their Methods: Both individuals and organized syndicates conducted trafficking often involving relatives or other persons already known to the victims. Traffickers work in syndicates at both the small, local level and also at the international level. These syndicates are usually run by a wealthy individual referred to as a "kingpin" or "madam" who heads the organization. The syndicates also include a wide network of workers organized by specialties, such as document and passport forgery, recruitment, and transportation. Working level police and immigration officers were often complicit by accepting bribes to look the other way at border crossings and check points.

Traffickers often employed deception to lure their victims and lie to the victim about the work they will do. To recruit young women, traffickers made false promises of legitimate work outside the country. While some TIP victims know they will go into prostitution, many victims are told, and believe, they will work as domestic/household help and only later find out that they will be subjected to slave labor or the sex industry. Traffickers also deceived child victims and their parents with promises of education, training, and salary payments. In many parts of the south, traffickers use traditional religious beliefs to frighten their victims with threats to their lives and the lives of their families to dissuade them from trying to escape or go to the police. The traffickers will bring young girls before a religious "shrine" where they are forced to take an oath swearing them to secrecy. The "priest" administering the oath will often take locks of the girls' hair and/or items of clothing such as underwear to perform the ritual. The girls truly believe that if they try to escape or talk to the police, they or their loved ones will die. Some young victims are desperate and encouraged by their families to travel to

Europe in search of work to help support the family. Many times it is an acquaintance of the family who offers to help secure work for the victims. Traffickers will sometimes send money back to the families for a period of time before informing the family that the

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victim ran away.

False documents are a common tool used to move TIP victims and readily available in Nigeria. Traffickers will often use the passport of a girl who has already been trafficked with a legitimate visa. The traffickers will substitute the photo and a second girl will travel with the doctored passport.

13. (SBU) SETTING THE SCENE FOR THE GOVERNMENT'S ANTI-TIP EFFORTS:

-- A. The Government of Nigeria does publicly acknowledge that trafficking is a problem and has steadily increased funding to NAPTIP each of the past three years, although some claim it is still not adequate. The government's efforts, however, are hampered by corruption, endemic poverty, and the country's porous borders.

-- B. NAPTIP is the lead agency for all TIP issues and it has increased its credibility over the past two years due to its efforts. Additionally, both the Nigeria Police Force and Nigeria Immigration Service have TIP units that deal specifically with trafficking issues.

-- C. Inadequate funding, lack of resources, and low capacity within law enforcement institutions limits the government's ability to address TIP. On many occasions investigators do not have the money to travel or access to a vehicle to investigate a TIP case. Although the federal government has increased NAPTIP's budget steadily over the past few years, endemic poverty, corruption at all levels of government, and the country's porous borders also greatly hamper efforts to combat trafficking.

-- D. The government monitors its anti-trafficking efforts through semi-annual anti-TIP stakeholders forums. NAPTIP issues bi-annual reports with statistics and programming updates. Data has been unreliable; on September 4, however, NAPTIP, in association with the American Bar Association - Rule of Law Initiative (ABA-ROLI), commissioned the Trafficking in Persons database, Very Small Aperture Terminal (VSAT) and solar power project. The database connected all NAPTIP zonal offices (FYI: Nigeria groups its 36 states into six zones - Northwest, Northeast, North Central, Southwest, Southeast, and South South - for many purposes. END FYI) via VSAT with a solar-powered server, providing 24 hour access and operational capacity, despite frequent power outages. The database was established to allow law enforcement and civil society across the country to collect and collate data in an effective and efficient manner better to track both criminals and victims, enhancing both prosecution and protection.

14. (SBU) INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

-- A. Existing Laws against TIP: Nigeria prohibits all forms of

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trafficking through its 2003 Trafficking in Persons Law Enforcement and Administration Act, which was amended in 2005 to increase penalties for traffickers. The Child Rights Act, although passed in 2003, has only been adopted in 20 of the 36 states to date, making it ineffectual. (FYI: According to the Nigerian constitution, laws pertaining to children's rights fall under state purview; therefore the Child Rights Act must be passed by individual state legislations in order to be fully implemented. END FYI) Traffickers can also be prosecuted under the Criminal Code (applicable in southern states of Nigeria), the Penal Code (applicable in the northern states of Nigeria), the Edo State Law Against Human Trafficking (applicable only to Edo State), The Labor Act (1974), and the Immigration Act. The laws cover sexual and non-sexual, as well as internal and external trafficking, and provide penalties that include monetary fines, imprisonment, deportation, forfeiture of assets and passport, and liability compensation to victims in civil proceedings.

-- B. Punishment of Sex Trafficking Offenses: The penalty for trafficking people for sexual exploitation purposes is ten years to life imprisonment and/or a 200,000 naira (\$1,345) fine. In cases where the accused is given the choice between imprisonment and paying a fine, the penalty is far too lenient and does not act as a sufficient deterrent. In more recent cases, especially when the accused sexually assaulted the victim, judges have not been giving the option of fine, but rather imposing sentences of imprisonment which demonstrates increased attention to the seriousness of this crime. The Criminal Code issues a sentence of two years imprisonment for procuring, pimping, and exploiting prostitutes. The Penal Code states trafficking in women for immoral purposes carries a seven year sentence; originally written as gender specific, it is now revised to allow for men and women to be protected from this crime.

-- C. Punishment of Labor Trafficking Offenses: The penalty for trafficking for purposes of labor exploitation is five years imprisonment and/or 100,000 naira (\$672) fine. Labor cases are more likely to see judges issue a sentence with the option of paying a fine, which is far too lenient and does not act as a sufficient deterrent.

-- D. The penalty for rape is ten years and/or a 200,000 naira (\$1,345) fine, while forcible sexual assault carries a two year jail term. The penalty for rape is the same as trafficking for purposes of sexual exploitation.

-- E. Law Enforcement Statistics: Data reflects that there were 209 investigations, 37 prosecutions and 23 convictions during the reporting period. Sentences ranged from six months to 24 years. Of the 23 convictions received, four were offered the option of paying a fine in lieu of serving time. The NAPTIP Act of 2003 and the

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Criminal Code were the laws used to obtain these convictions. Of the 932 victims identified during the reporting period, 387 were below 18 years of age.

-- F. The government, NGOs and the USG provided the following specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking:

¶1. NAPTIP provided Advanced Intelligence Gathering training for 110 investigators, Defense Intelligence training to 50 staff members, and a Child Psychological Therapy course to 30 staff members. In total, NAPTIP states that 354 staff members have been trained either by in house training or trainings provided by other organizations.

¶2. The Inspector General of NPF approved the implementation of a TIP Training Course in all NPF training institutions. The course curriculum was developed in 2007 by the NPF TIP Unit HQ with assistance from the USG through ABA-ROLI.

¶3. The Federal Capital Territory Police Command organized two one day trainings for 186 officers on understanding, detecting, and investigating TIP cases.

¶4. With USG funding ABA-ROLI produced a manual for the Nigeria Immigration Service training institutions which then used the materials to train 1,637 officers at various NIS schools.

¶5. ABA-ROLI, the National Judicial Institute, UNICEF, and UNODC trained 78 judges and prosecutors on adjudicating TIP cases, proper handling of victims, and a mock trial.

¶6. ABA-ROLI conducted two zonal trainings for 43 judges and prosecutors in the South West and South South zones to sensitize judges on the rights of victims.

¶7. ABA-ROLI conducted TIP training for 385 officers from NPF, NIS, Customs, NDLEA and the State Security Service posted to four border posts (2 each in Cross River and Ogun States) to build the capacity of those officers most likely to encounter TIP cases on the ground.

--G. The government increased collaboration on investigations with law enforcement agencies in the Netherlands, France, Spain, Italy, Germany, Belgium, Portugal, Britain, and Benin Republic. Officials attended international workshops on trafficking, and the government collaborated with Benin to arrest traffickers and repatriate trafficking victims. During the year, officials from NAPTIP conducted a series of digital video conferences with Ghanaian officials and civil society members to instruct them on how Ghana's newly formed antitrafficking task force could best combat

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trafficking and create an agency similar to NAPTIP.

On September 10, NAPTIP announced the arrest of 60 Nigerians in eight European countries for human trafficking. In coordination with international agencies, NAPTIP had co-organized Operation Koovis, which was carried out in Belgium, France, Spain, Italy, Ireland, Germany, the Netherlands, and Britain, where the offenders faced prosecution.

On November 2, NAPTIP officials in collaboration with the Benin Republic organized a four day Consultative Forum in Lagos. Representatives from Congo, Gabon and Togo also attended the event and presented country progress reports. One session led by NAPTIP addressed ways for all five countries to collaborate on TIP investigations. The workshop culminated in two Plans of Action: the 2009 Benin/Nigeria Joint Plan of Action and the 2009 Zakpota/Abeokuta Plan of Action to address the trafficking of children across the borders between Nigeria and the Benin Republic.

-- H. The government has established extradition agreements to repatriate traffickers; however, examples of such cases could not be confirmed during the reporting period.

-- I. Corruption is endemic within the Nigerian Police Force and Nigerian Immigration Service. The police and immigration officials are poorly paid and prone to accepting bribes to turn a blind eye to criminal actions, including trafficking. There is strong suspicion of complicity in trafficking by individuals at border posts as well as airports. In addition, officials do not always distinguish between victims of trafficking and prostitutes.

-- J. There were no cases reported of government officials investigated or prosecuted for involvement in trafficking-related corruption during the reporting period.

-- K. Prostitution is illegal at both the federal and state level; however it remains widespread in Nigeria, centered mainly in hotels, bars, markets, and crossroads areas such as truck stops.

-- L. There were no reports of Nigerian peacekeeping troops being involved with trafficking or the exploitation of trafficking victims.

-- M. Nigeria has not been identified as having a child sex tourism problem.

15. (SBU) PROTECTION AND ASSISTANCE TO VICTIMS:

-- A. The TIP Law Enforcement and Administration Act of 2003 provides for humane treatment, protection, and non-discriminatory practices toward victims of trafficking. This includes access to

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rehabilitation facilities, temporary stay privileges without valid documents, and medical attention. The federal government also approved the National Policy on Protection and Assistance to Trafficked Persons in Nigeria on November 12. The Policy's goal is to ensure the protection and rehabilitation of victims of trafficking by outlining objectives and implementation strategies in areas such as reception, sheltering, counseling, repatriation, integration and follow up care. The policy also attempts to address issues of assault, exploitation, and health hazards that commonly affect victims of trafficking. However, lack of resources,

personnel, and training make it difficult for the government to provide protection for all victims of trafficking.

-- B. NAPTIP has seven shelters in operation in Nigeria: Abuja, Uyo, Kano, Sokoto, Benin City, Enugu, (each with capacity for 50 victims) and Lagos (with capacity for up to 120 victims). The Lagos shelter is the reception point for victims who are returned from abroad. The shelter offers immediate counseling and medical treatment to all incoming victims. If a victim decides to remain in the shelter, vocational training opportunities are offered. The Ministry of Women Affairs operates two shelters: one in Kano and another in Benin City. The NGO Women Trafficking and Child Labour Eradication Foundation (WOTCLEF) operates a shelter in Abuja that can accommodate 30 victims. Another NGO, the Committee for the Support of the Dignity of Women (COSUDOW) runs a shelter in Benin City that can accommodate 18 women. According to NAPTIP, there are a number of other shelters; but they are not reserved specifically for TIP victims.

-- C. NAPTIP provides access to legal, medical and psychological services through its shelters. NAPTIP has a Rehabilitation Unit that is charged with providing counseling to all victims. NAPTIP also has an agreement with certain hospitals and clinics to provide service to TIP victims and TIP victims with sexually transmitted infections or who are HIV positive can obtain medical assistance while in the shelters. The government does not provide funding directly to NGOs but works in conjunction with several organizations such as IOM, UNICEF, WOTCLEF and other NGOs.

-- D. The government does not provide permanent residency to TIP victims; but does provide temporary resident status to provide relief from deportation.

-- E. Victims can stay in shelters as long as necessary; but older victims tend to stay six months or less.

-- F. NAPTIP coordinates victim assistance with state-level Ministries of Women Affairs, IOM, UNODC, ILO, UNICEF and NGOs through its six zonal offices (Lagos, Uyo, Benin City, Enugu, Kano, Sokoto). Additionally, the Network of Non-Governmental Organizations

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Against Child Trafficking, Abuse and Labour (NACTAL) is a network of 32 civil society groups across the country that provide a platform for a country-wide referral system that allows victims to be referred to an NGO in the vicinity of their home to receive counseling or rehabilitation if they wish. WOTCLEF serves as the National Secretariat for the group.

-- G. Data reflects a total of 932 victims during the reporting period, all of whom pass through NAPTIP shelters.

-- H. There is no formal system in place for law enforcement officials to identify victims among high risk persons; but the government and NGO partners have provided training to officers on the key elements of identifying TIP victims.

-- I. Trafficking victims are not jailed or prosecuted for violations of other laws, such as those governing immigration and prostitution. NAPTIP, however, keeps foreign TIP victims in shelters under guard until they can be repatriated. NAPTIP assisted in the repatriation of 54 foreign nationals to their home countries during the reporting period: 30 to Republic of Benin, 9 to Togo, 8 to Burkina Faso, 4 to Cameroon, 3 to Ghana.

-- J. The government does encourage victims to assist in the investigation and prosecution of trafficking cases as victim's testimony is required to prosecute. Victims can file suite against their traffickers but rarely do so because of fear or pressure. In August, NAPTIP, in coordination with the Ministry of Justice, established a Victim's Trust Fund that is supposed to provide funds for restitution on a case by case basis. A draft legislative policy for a witness protection program that would increase the protection of witnesses who agree to testify is currently being reviewed by law enforcement agencies and the judiciary

-- K. NAPTIP, in collaboration with the Ministry of Foreign Affairs, organized a workshop for Nigerian diplomats to sensitize them to trafficking in persons. However, there were no specific reports of victims assisted by Nigerian embassies or consulates during the reporting period. Nigeria's Ambassador to Algeria, Jeremiah Hassan made a public statement that the growing number of victims transiting Algeria was posing a great challenge to the Mission. In his press statement, Ambassador Hassan referred to the recent death of 21 Nigerians who had been deported and on their way home when they got lost, ran out of gas, and died in the desert. Ambassador Hassan called on Nigeria's federal government to sensitize its citizens to the dangers involved with trafficking.

-- L. NAPTIP's Lagos shelter is the reception point for nationals who are repatriated as victims of trafficking. The shelter offers immediate counseling and medical treatment to all incoming victims.

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If a victim decides to remain in the shelter, vocational training opportunities are offered. NAPTIP assisted 45 Nigerian victims who were repatriated back from other countries during the reporting period. Of the 45, 4 were returned from the Republic of Benin, 4 from Chad, 16 from Niger, and 21 from Burkina Faso.

-- M. UNODC, UNICEF, ABA, and IOM are the major international organizations that work with trafficking victims. There are a number of local NGOs working with trafficking victims as well. Among the most prominent are: WOTCLEF, the Women's Consortium of Nigeria (WOCON), Idia Renaissance, The Society for the Empowerment of Young People (SEYP), Women's Rights Advancement and Protection Alternative (WRAPA), Girl's Power Initiative (GPI), African Women Empowerment Guild (AWEG), Committee for the Support of the Dignity of Women (COSUDOW), International Reproductive Rights Research Action Group (IRRAG) and the Catholic Secretariat of Nigeria/Caritas Nigeria.

WOTCLEF offers support to victims of trafficking in terms of skills training such as leather working, sewing, hairstyling, and other handicrafts. WOTCLEF also advises victims of opportunities for micro credit and small-scale loans that exist either through local banks or other NGOs. WOTCLEF also provides education for minors.

16. (SBU) PREVENTION:

-- A. NAPTIP's Public Enlightenment Unit worked with the media to raise awareness among the public. On August 5-6, NAPTIP conducted the First Anti-Human Trafficking Awareness Week in Abuja to celebrate the fifth anniversary of the agency and to launch the Red Card to Human Trafficking. The Red Card is an informational card for distribution that includes facts about trafficking and phone numbers for NAPTIP's zonal hotlines. Events consisted of press conferences, a charity walk, a two-day sensitization workshop, a benefit dinner, an awards dinner, and the launch of the Victims' Trust Fund.

-- B. NAPTIP works closely with the Nigerian Immigration Service to monitor immigration and emigration patterns for evidence of trafficking. Nigeria's porous borders, however, make it very difficult to collect accurate data or prevent such trafficking. NAPTIP's sensitization programs have helped immigration authorities to recognize trafficking at the borders; but there are many miles of border not patrolled.

-- C. A Stakeholder Forum, established by NAPTIP in 2003 to conduct training of security and immigration officials and hold meetings with local government leaders to raise awareness of trafficking issues, was supposed to meet monthly in each state and quarterly in Abuja; however, involvement at the state level waned over the year. Two national forums were held in Abuja during the year, both with large attendance by law enforcement officials, ministerial and

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government representatives, NGO groups and diplomatic missions. There are state-level anti-trafficking committees in 26 states that consist of law enforcement agents, immigration officials, federal ministries and NGOs. Additionally, UNODC facilitates a donor

coordination group where Embassies, donors and other international organizations share information on projects and look for ways to collaborate.

-- D. On August 20, the federal government passed the National Plan of Action (NPA) on Trafficking In Persons which was initially presented to former President Obasanjo in 2006. The NPA is a broad framework of action that covers research, prevention, prosecution, and protection and requires coordination between government, law enforcement agencies, the legislature, and NGOs. NAPTIP, NIS, NPF, the Ministry of Justice, the Ministry of Women's Affairs, IOM, UNICEF, UNODC and other NGOs were involved in the drafting and continued lobbying for passage. Despite the passage of the NPA, implementation had not begun by year's end; but all parties engaged in the drafting pledged to push for implementation in the coming year.

-- E. Although there are statutes at both the federal and state levels criminalizing prostitution, the commercial sex industry is pervasive. The government has not taken measures to reduce the demand for commercial sex acts. However, law enforcement officials have gradually increased efforts to shut down brothels.

-- F. Although children are often trafficked out of the country for sexual purposes, there is no evidence of Nigerians participating in child sex tourism locally or internationally.

-- G. Nigerian peacekeeping troops undergo human rights training through Africa Contingency Operations Training and Assistance (ACOTA) seminars before deployment.

17. (SBU) HEROES: Cordelia Ebiringa is the Officer in Charge of the Anti-Human Trafficking Unit of the National Immigration Service in Cross River State. Despite scarce resources and personnel, Ebiringa has placed anti-trafficking immigration officers at all land and sea borders in Cross River, particularly those crossing to Cameroon. She has deployed two immigration officers to each of the eighteen local government areas in the state to monitor the movement of suspected pimps that recruit young women for domestic and international trafficking. As Cross River does not have a NAPTIP office, she has excelled at enhancing the inter-agency process by collaborating with other NAPTIP zonal offices and NPF in coordinating investigations, repatriations, and prosecution of traffickers. In 2008, Ebiringa took a personal interest in the resettlement of the natives of the Bakassi peninsula, which was returned to Cameroon sovereignty in August of that year. She worked

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in the internally displaced persons camps with families to sensitize parents and ensure that displaced women and children would not fall victims to trafficking.

18. (SBU) BEST PRACTICES: NAPTIP's Stakeholder Forums demonstrate the government's attempts to create a collaborative approach to combating TIP. The forums bring together law enforcement agencies, government ministries, state level commissions, NGOs, and the diplomatic community in an effort to harmonize projects and share data. NAPTIP continually collects data from all stakeholders and issues a report containing the latest compiled statistics. Additionally, the forum creates a platform for the law enforcement agencies to discuss how to better coordinate investigative efforts as well as victim protection. The main theme that permeates these forums tends to be "we cannot fight trafficking in persons alone" and therefore, all stakeholders are constantly looking for ways to build on each other's abilities and successes.

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